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Attorney for Plaintiffs

The undersigned does hereby affirm that this document does not contain the social security number of any person.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KARL MITCHELL, an individual and
KAYLA MITCHELL, an individual,

Plaintiffs.

VS.

NYE COUNTY, NEVADA, a political subdivision of the State of Nevada, HARRY WILLIAMS, in his individual and official capacity as an employee of Nye County, SUSAN RYHAL, in her individual and official capacity as an employee of Nye County, SHARON WEHRLY, in her individual and official capacity as an employee of Nye County, ZUZANA KUKOL, an individual and Nye County Agent capacity, SCOTT SHOEMAKER, an individual and Nye County Agent capacity, DOES 1-10,

Defendants.

COMES NOW, Plaintiffs by and through their counsel, Arlette P. Newvine, Esq., of Newvine Law, LLC and Nye County Defendants, by and through its counsel, Brent L. Ryman, Esq. and of Erickson, Thorpe and Swainston, Ltd., to request an extension to file a stipulated Discovery Plan and Scheduling Order up to and including December 11, 2020 in order to allow

Case No: 2:20-cv-00086-APG-VCF

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE DISCOVERY
PLAN**

1 the new party Defendants to file a Responsive Pleading and participate in the drafting of a
2 Discovery Plan and Scheduling Order. This Court ordered a new Discovery Plan and Scheduling
3 Order be filed on or before October 15, 2020 (ECM No. 55). However, because the new parties
4 Defendants waived service, their responsive pleading is not due until December 4, 2020,
5 pursuant to FRCP 4(d)(3). Furthermore, Plaintiff's counsel has reached out to counsel for the
6 new Defendants, however, he is out of the office until October 19, 2020. Therefore, allowing an
7 extension in the discovery schedule will allow Defendant's time to make their first appearance,
8 and allow Counsel for the parties to take the new answer into consideration when collaborating
9 on and drafting a new Discovery Plan and Scheduling Order. Finally, Defendants reserve the
10 right, and expect, to file a timely motion to strike Plaintiffs' First Amended Complaint as a
11 fugitive document filed without leave of court and outside the timeline allowed by this Court's
12 Order allowing leave to amend. Nonetheless, all parties agree a revised discovery plan and
13 scheduling order will be necessary and request until December 11, 2020, to file their joint
14 proposed plan with the Court. Notwithstanding,

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1 IT IS HEREBY STIPULATED by and between Plaintiffs by and through their counsel,
2 Arlette P. Newvine, Esq., of Newvine Law, LLC and Defendants, by and through its counsel,
3 Brent L. Ryman, Esq. and of Erickson, Thorpe and Swainston, Ltd., that the Parties be granted
4 an extension to file a stipulated Discovery Plan up to and including December 11, 2020 to allow
5 the new party Defendant's to file a Responsive Pleading and participate in the drafting of a Joint
6 Discovery Plan.

7 Executed on this 14 day of October, 2020.

Executed on this 14 day of October, 2020.

8 NEWVINE LAW, LLC

ERICKSON, THORPE & SWAINSTON, LTD

9 /s/ Arlette P Newvine

Arlette P Newvine, Esq (#14613)
10 Attorney for Plaintiffs

/s/ Brent L Ryman

Brent L Ryman, Esq (#008648)
11 Attorney for Nye County Defendant

12 **ORDER**

13 IT IS SO ORDERED, the parties shall file a new Discovery Plan and Scheduling Order
14 on or before December 11, 2020.

15 DATED: 10-15-2020



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17 UNITED STATES MAGISTRATE
18 JUDGE

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